



19 MAY 2008

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In re Application of :
LINDER :
U.S. Application No.: 10/585,127 : DECISION ON
PCT No.: PCT/SE04/01983 :
Int. Filing Date: 22 December 2004 : RENEWED PETITION
Priority Date: 31 December 2003 :
Attorney Docket No.: 43315-232515 : UNDER 37 CFR 1.181
For: A METHOD AND A DEVICE FOR ELECTRO- :
MAGNETIC MEASUREMENT OF THICKNESS :
AND ELECTRICAL CONDUCTIVITY :
:

This decision is in response to applicant's renewed petition to withdraw the holding of abandonment filed 15 April 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 15 February 2008, applicant was mailed a decision dismissing applicant's petition to withdraw the holding of abandonment. Applicant was afforded two months to file any request for reconsideration.

On 15 April 2008, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 15 February 2008, the Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971). Applicant previously satisfied items (1) and (3) above. With the filing of the renewed petition and accompanying documents applicant has satisfied the remaining two items.

As to item (2), applicant has now included a statement from counsel that a search of the file jacket indicates the Office action was not received.

Regarding item(4), applicant has presently provided a copy of the docket record for the for the entire firm for which a response was due on an Office action mailed 28 March 2007.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 04 January 2008 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a new Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required.



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